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Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

CASCADIA WILDLANDS, an Oregon
non-profit organization; **OREGON**
WILD, an Oregon non-profit organization,
and **UMPQUA WATERSHEDS**, an
Oregon non-profit organization

Plaintiffs,

v.

UNITED STATES BUREAU OF LAND
MANAGEMENT, a federal agency,

Defendant, and

AMERICAN FOREST RESOURCE
COUNCIL and **ASSOCIATION OF O&C**
COUNTIES,

Defendant-Intervenors.

DECLARATION OF PETER JENSEN

Case No. 6:24-cv-01641-MTK

I, PETER JENSEN, declare as follows:

1. Investigating forest conditions and wildlife impacts associated with the Blue and Gold Harvest Plan, I submitted several Freedom of Information Act (FOIA) requests to the Bureau of Land Management (BLM). Specifically relevant to Plaintiffs' Motion to Complete/Supplement the Record, I submitted FOIA Requests for:
 - (1) "Information Related to BLM Marbled Murrelet Data for Western Oregon BLM Lands" (a true and accurate copy of the request is attached as *Exhibit 1*); and
 - (2) "Data and Survey Results for Northern Spotted Owls in the BLM's Blue & Gold Project Area over the Last 5 Years (2019– present)" (a true and accurate copy of the request is attached as *Exhibit 2*).
2. In documents provided by BLM in response to my request for information related to marbled murrelet across Western Oregon BLM lands, BLM provided three batches of documents. Generally, the documents included survey results, mapping exercises, protocol information, and correspondence between staff, among other things, spanning many areas across Oregon, including lands administered by the BLM's Roseburg District as well as many identifiable as related to the Blue & Gold Harvest Plan.
3. Specifically, Batch 1 included a folder containing four Microsoft Excel program reporting spreadsheets, including a document titled: "04_RMPs_Program Rpting_9-20-22." This document contained an exhaustive table outlining survey coverage, habitat conditions, and most notably, stand age classification organized by BLM District Office, then narrowed and described from Resource Area (RA) down to the polygon/subunit level.
4. Attached is a true and accurate copy of this document that I have converted into a PDF and excerpted to include only the BLM Roseburg RAs, given the scope and location of

the present matter and in consideration of discussions with BLM's counsel.¹ See *Exhibit 3* (04_RMPs_Program Rpting_9-20-22 (Roseburg only)).

5. References to the Blue and Gold Environmental Assessment (EA) and sub-units/polygons and watersheds (Yellow Creek, Brush Creek, Bear Creek, Brad's Creek) within the Project Area and included throughout the document. Concerningly, yet consistently with Plaintiffs' and declarants' comments and other sources of data obtained by them, these records show stand ages far older than those disclosed in the EA, with numerous polygons/subunits within the project with a "Stand Age 1" identified as 239 years old.
6. Polygons/subunits can be confirmed and linked directly with timber units in the EA by marbled murrelet survey maps contracted to and completed by Hammer Environmental L.P. for this Project. These survey maps and results were provided in Batch 3; however, they are also within the administrative record (AR) provided by BLM. See AR4222–416; AR5655–5807; AR6387–6492; AR7438–7527; AR7719–7793 (Hammer marbled murrelet survey maps and results across years/seasons).
7. Within the responsive documents to Plaintiffs' FOIA for "Data and Survey Results for Northern Spotted Owls in the BLM's Blue & Gold Project Area over the Last 5 Years," BLM included a 261 page PDF with considerable information and numerous emails and correspondence between BLM staff about survey efforts, impacts, and habitat for

¹ Counsel for Defendant and counsel for Plaintiffs conferred regarding this document and agreed to limit this to the relevant scope based on the location of the Project as proposed. The Blue and Gold Harvest Plan is contained within the BLM Roseburg District's Swiftwater RA. Plaintiffs would have provided just data for the Swiftwater RA; however, the data is intermixed and otherwise not consistently sequential between the South River RA and the relevant Swiftwater RA. To avoid significant alteration and manipulation of the table, Plaintiffs' PDF version of this Excel document included here as an exhibit accordingly includes all of the data from the Roseburg District. Plaintiffs agree South River RA information is not relevant to the present matter.

northern spotted owls, as well as significant discussion about forest conditions, stand aging, problems with use and accuracy of the Forest Operations Inventory (FOI), and as well as admissions related to the primary substantive issue driving Plaintiffs' present suit—that BLM knowingly mis-aged or mischaracterized stand ages in the Project Area.

8. Specifically, these emails and correspondence explain, expand, and otherwise corroborate and/or provide factual basis for Mr. Reeder's declaration (to be filed with Plaintiffs' Motion for Summary Judgment) regarding his experience as BLM Project staff and his reporting of these very issues to his co-workers and superiors as an employee and now again by comment after retiring, corroborate and verify comments and technical information Mrs. Reid supplied to BLM previously in comment and now by declaration (also to be filed with Plaintiffs' Motion for Summary Judgment), and substantiate issues and failures related to BLM description and disclosure of forest conditions and wildlife impacts associated with its project. These emails and the grounds for their introduction are outlined at length in Plaintiffs' Motion to Complete/Supplement the Record. Accordingly, for purposes of my declaration, I primarily outline our means of obtaining these documents, provide them, and declare that they are a true and accurate copy of them.² A PDF of these documents is provided and attached as *Exhibit 4*.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of April, 2025.

Peter Jensen
Peter Jensen (Apr 17, 2025 16:19 PDT)

² Noting, the original file was not paginated. The attached document (*Exhibit 4*) is identical to the original except for the addition of page numbers for ease of reference of use by parties and this Court.